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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

12 ANTOLIN MARKS,
13 Plaintiff,

14 v.

15 JACK BENNETT,
16 Defendant.

Case No. C07-5674RBL/JKA

ORDER UNSEALING AND
DENYING PLAINTIFF'S MOTION
FOR ADDITIONAL TIME TO FILE A
RESPONSE

17 This 42 U.S.C. § 1983 Bivens action has been referred to the undersigned Magistrate Judge
18 pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR
19 3, and MJR 4. Mr. Marks now litigates under sanctions as a result of improper filings. As part of
20 those sanctions, documents filed by Mr. Marks are submitted under seal for court review. Mr.
21 Marks has filed one document since entry of the last order (Dkt. # 29). **Dkt. # 29 is now unsealed.**

22 Mr. Marks filed a request to have the court once again postpone consideration of a
23 dispositive motion that was filed in May of this year (Dkt. # 17). Defendant Bennet filed a motion to
24 dismiss this action May 12, 2008 (Dkt # 17). Plaintiff timely opposed the motion and submitted
25 documents outside the pleadings. (Dkt. # 19 and 21). The court was forced to convert the motion
26 to a motion for summary judgment (Dkt # 24). The court set a briefing schedule. Defendant
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1 Bennett complied with that schedule (Dkt. # 26). Plaintiff now asks for a three week extension of
2 time so he can allegedly obtain documents from the United States Supreme Court. Defendant
3 Bennett argues in the original motion to dismiss that plaintiff's claims are moot because of transfer
4 and because Mr. Bennett is not longer the officer in charge. Defendants also question if an action for
5 injunctive relief can be maintained under Bivens (Dkt # 17). These are legal arguments that do not
6 require documents from any court.

7 In the additional briefing defendant argues plaintiff may not maintain this action because he
8 was not denied access to his paper work, only told to specify what documents he wanted (Dkt. #
9 26). This argument is supported by the documents placed before the court by plaintiff (Dkt # 19).
10 Again, a response does not require any document from any court. The motion for an extension of
11 time is **DENIED**.

12 Defendant Bennett's motion to dismiss is now ripe for consideration. The motion will be
13 addressed in a separate Report and Recommendation.

14 The Clerk of Court is directed to send a copy of this Order to plaintiff and to counsel for
15 defendant(s).

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17 DATED this 13 day of August, 2008.

18 /S/ J. Kelley Arnold
19 J. Kelley Arnold
20 United States Magistrate Judge
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